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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,403	07/30/2003	Ramesh Keshavaraj	5658	9002
7590	11/15/2005		EXAMINER FLEMING, FAYE M	
John E. Vick, Jr. Legal Department M-495 P.O. Box 1926 Spartanburg, SC 29304			ART UNIT	PAPER NUMBER
			3616	
			DATE MAILED: 11/15/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,403

Applicant(s)

KESHAVARAJ, RAMESH

Examiner

Faye M. Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/26/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kippschull (6,666,475).

Kippschull teaches an inflatable side protection airbag comprising a first panel 56 having an anterior portion and a posterior portion, the anterior and posterior portions being formed from a single piece of fabric; a second panel 58 having an anterior portion, a posterior portion, and a bridging portion 60, the anterior and posterior portions being connected to one another by the bridging portion, the bridging portion lying adjacent a void area, the void area is positioned at least partially between the

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anterior portion and the posterior portion of the second panel, the second panel is formed from more than one cut pieces of fabric wherein the anterior portion of the first panel is mated to the anterior portion of the second panel in forming a front pillow, and further wherein the posterior portion of the first panel is mated to the posterior portion of the second panel to form a back pillow, see figures 9A-9C. The bridging portion provides air flow between the front pillow and the back pillow. The anterior portion of the second panel comprises a first piece of fabric, the posterior portion of the second panel comprises a second piece of fabric, and the bridging portion comprises a third piece of fabric. The first panel is comprised of more than one piece of fabric. The first panel is sewn to the second panel. The first and second panels are cut from at least one fabric blank, further wherein in the construction of the airbag, the ratio of (1) the amount of the fabric blank(s) which are actually employed in the airbag product as compared to (2) the total amount of the fabric blank(s), in square units, is greater than about 80 percent. The ratio is greater than about 90 percent. There is essentially no free space between the front pillow and the back pillow. The non-unitary second panel is formed from at least three portions of cut fabric. The anterior portion of the unitary panel is adjacent the linking portion of the unitary panel, and the linking portion of the unitary panel lies adjacent the posterior portion of the unitary panel. The unitary first panel comprises an inboard panel. The non-unitary second panel comprises an outboard panel. Kippschull teaches a method of making an airbag comprising providing a fabric blank, cutting at least a first portion of fabric from the blank, wherein the first

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portion corresponds to a first panel; cutting from the fabric blank at least two additional portions; mating together the at least two additional portions; and mating the second panel to the first panel. With respect to the airbag having the anterior and posterior portions of a second panel not coextensive with the anterior and posterior portions of the first panel, the examiner notes it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag of Kippschull to have portions of the second panel not coextensive with portions of the first panel, since a slight variation of the anterior and posterior portions of the panels would not change the function of the device.

Response to Arguments

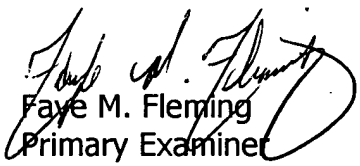
3. Applicant's arguments filed August 26, 2005 have been fully considered but they are not persuasive. In response to Applicant's arguments that U.S. Patent 6,666,475 to Kippschull does not appear to teach or suggest an airbag in which the anterior and posterior portions of a second panel are not coextensive with the anterior and posterior portions of the first panel, the examiner notes it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag of Kippschull to have portions of the second panel not coextensive with portions of the first panel, since a slight variation of the anterior and posterior portions of the panels would not change the function of the device. Further the applicant fails to disclose the advantage of having portions of the second panel not coextensive with portions of the first panel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Faye M. Fleming
Primary Examiner
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11/08/05